UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,688	12/28/2001	Thierry Brusseaux	09669.008001	9251

22511 7590 08/29/2006

OSHA LIANG L.L.P.
1221 MCKINNEY STREET
SUITE 2800
HOUSTON, TX 77010

EXAMINER	
RUHL, DENNIS WILLIAM	
ART UNIT	**PAPER NUMBER**
3629	

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/936,688	BRUSSEAUX, THIERRY	
	Examiner	Art Unit	
	Dennis Ruhl	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 June 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 4-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 4-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's response of 6/14/06 has been entered. The examiner will address applicant's remarks at the end of this office action. Currently claims 1,2,4-21 are pending.

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 11, applicant has recited that the authorization control elements are a list supplied by the parking machine or supplied by a portable control device. This claim appears to contradict the amendment made to claim 1, where it is recited that the authorization control elements that are provided by the parking machine. Claim 11 now recites that a portable control device can provide the authorization control elements, which contradicts what is recited in claim 1. It is not clear as to what structure is providing the authorization control elements (the parking machine or the portable control device?). Also not clear is how the authorization control elements can be a list, when claim 1 specifically was amended to recite that they are a parking ticket. Which is correct? Are they a parking ticket or a list? This is not clear and one wishing to avoid infringement would not understand the scope of the claim; therefore, the claim is indefinite.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1,2,4-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouimet (WO 97/37328) in view of Zeitman (WO 98/04080).

For claims 1,2,4,5,9,10,12,14,15,17, Ouimet discloses a method of managing the parking of vehicles. Ouimet discloses that the user of a parking space enters information concerning the parking of their vehicle (i.e. vehicle location information and parking time information) into a ticket machine 12. That information is sent to a central computer system (server) 16 and to mobile units 18 (control elements) that are carried by monitoring agents (parking wardens). The fee for parking is determined based on the location and time information. A debit card or credit card can be used to pay the parking fee. Authorization control elements are given to the users in the form of a receipt (a parking ticket that shows you paid for parking).

Not disclosed is that the user can send parking information to the server by mobile telephone and that the server would then send the parking information to the ticket machine.

Also not disclosed is that the authorization control elements (the receipt) have information concerning the parking time.

With respect to the use of a mobile telephone and the conveyance of the user's parking data from the server to the ticket machine, Zeitman discloses a parking

management system that has a high level of user convenience. Zeitman discloses that the user can directly communicate with a central computer system (server system) by using their mobile telephone (associated with the user and inherently involves a subscription as claimed) and can provide the information such as vehicle space and time information by using their telephone. This allows for more user convenience with respect to adding another way for the user to conduct the parking space use transaction as opposed to having to use the ticket machine. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the server of Ouimet with the ability to take user information by telephone as is disclosed by Zeitman. The user would then have the ability to communicate with the server 16 directly by telephone and then the server would update the payment terminals and mobile units with new information.

Concerning the limitation of the ticket machine supplying authorization control elements (in the form of a parking ticket) with information concerning the parking time, the examiner notes that Ouimet discloses that the parking machine has a printer 34 that prints receipts that are given to motorists (see page 10, lines 17-32). This satisfies the claimed limitation of the parking machine supplying authorization control elements, where the authorization control elements are a parking ticket (a receipt). Not disclosed is that the receipt contains "information concerning the parking time". The examiner notes that the language "information concerning the parking time" is not a recitation to actually putting the parking time on the parking ticket, but is broad language that and allows for other types of information to be present, such as how much you paid for

parking. The amount you pay for parking is considered information concerning the parking time because that monetary amount the user has paid relates to some fixed amount of parking time. In view of the fact that a receipt is disclosed as being given to the user, and knowing that receipts normally contain information concerning a transaction (cost, date, identification of item/service purchased, etc.), it would have been obvious to one of ordinary skill in the art at the invention was made to provide the receipts with information concerning the parking time (cost paid or the actual time paid for), so that the user has an accurate receipt. One of ordinary skill in the art would have found it obvious to put information concerning the parking time on the receipt.

For claim 4, in addition to that mentioned above, it is not disclosed that the receipt also has identification information of the parked vehicle. Going through the same analysis as immediately above as was done with respect to the "information concerning the parking time", it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the receipt with identification information of the parked vehicle. This is because the identification information about the vehicle that is being parked is something that one of ordinary skill in the art would have been motivated to place on the receipt so that the receipt detailed the transaction as far as what you paid, how long you paid for, where you were parked, vehicle identification, etc..

With respect to claims 6,7,8, the location of the parking space can be a number, which satisfies what is claimed. It does not matter if the number is a space number, a

vehicle number, etc.. A number is a number and the prior art discloses the taking of a number.

For claim 11, the authorization control element supplied by the ticket machine is a list of information as claimed that is in the form of a receipt.

For claim 13, the "electronic certificate" is considered to be any data sent from the server to the phone during the parking use transaction. This could be a receipt in electronic form or any other data sent to the phone. The term "electronic certificate" is very broad language and can be almost anything.

With respect to claim 16, the account of the user (debit card account) is fully capable of being recharged by a prepaid scratchable card. A user can purchase a lottery ticket (with scratchable areas to show what you won if anything) and if they win any amount of money, that money could be deposited into the debit card account. The prior art is fully capable of what is claimed.

For claim 18, not disclosed is that the receipt that is given out to the motorist is placed visibly inside the vehicle. The examiner takes "official notice" that it is old and well known in the art of vehicle parking to issue tickets/receipts to motorists, where the tickets are to be placed inside the vehicle so that they can be visually inspected by a monitoring official. This is old and well known in the art. Many parking garages have a policy that states you must display your parking ticket in your window to prevent from being towed. To preempt applicant from challenging the examiner's taking of official notice, the examiner has cited some patent documents as evidence in support of the assertion by the examiner that the limitation of claim 18 is old and well known. The

instant examiner also notes that applicant stated in the instant specification on page 2 that "this known parking management system subject to payment is not compatible with *existing payment systems, such as parks equipped with machines issuing a parking ticket to be placed behind the windscreen of the vehicle*". It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the method of Ouimet with the further step of having the motorist place the receipt in their vehicle so that it can be visually inspected by a parking official. A good reason that one of ordinary skill in the art would be motivated to do this is so that when the communication network is not working and the parking monitoring agents cannot use their portable terminals to obtain parking data, they could visually confirm that a user has paid for their parking by looking for the parking tickets inside of the respective vehicles.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ouimet (WO 97/37328) in view of Zeitman (WO 98/04080) and further in view of Ilen (WO 96/11453).

For claim 20, Ouimet discloses a method of managing the parking of vehicles. Ouimet discloses that the user of a parking space enters information concerning the parking of their vehicle (i.e. vehicle location information and parking time information) into a ticket machine 12. That information is sent to a central computer system (server) 16 and to mobile units 18 (control elements) that are carried by monitoring agents (parking wardens). The fee for parking is determined based on the location and time information. A debit card or credit card can be used to pay the parking fee.

Authorization control elements are given to the users in the form of a receipt (a parking ticket that shows you paid for parking).

Not disclosed is that the user can send parking information to the server by mobile telephone and that the server would then send the parking information to the ticket machine.

Also not disclosed is that the server obtains vehicle identification information from a subscriber number associated with the subscription to the telephone network.

With respect to the use of a mobile telephone and the conveyance of the user's parking data from the server to the ticket machine, Zeitman discloses a parking management system that has a high level of user convenience. Zeitman discloses that the user can directly communicate with a central computer system (server system) by using their mobile telephone (associated with the user and inherently involves a subscription as claimed) and can provide the information such as vehicle space and time information by using their telephone. This allows for more user convenience with respect to adding another way for the user to conduct the parking space use transaction as opposed to having to use the ticket machine. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the server of Ouimet with the ability to take user information by telephone as is disclosed by Zeitman. The user would then have the ability to communicate with the server 16 directly by telephone and then the server would update the payment terminals and mobile units with new information. Concerning the limitation of the ticket machine supplying authorization control elements (in the form of a parking ticket) with information

concerning the parking time, the examiner notes that Ouimet discloses that the parking machine has a printer 34 that prints receipts that are given to motorists (see page 10, lines 17-32). This satisfies the claimed limitation of the parking machine supplying authorization control elements, where the authorization control elements are a parking ticket (a receipt).

With respect to the use of a subscriber number to obtain vehicle identification information, the examiner notes that Ouimet discloses and recognizes that entering vehicle data each time a motorist parks is not desirable. Ouimet discloses on page 6 that vehicle identification data may be stored or a smart card or a magnetic stripe card, so that the user does not have to provide that information each time they park their vehicle. Ilen discloses a system and method where a user can pay for parking by using their mobile telephone. Ilen discloses that the user can supply in advance, their vehicle registration number (vehicle ID), and system will recognize the vehicle based on a code, which is encoded into the SIM card (the subscriber identification module) of their phone. This teaches that the vehicle information is determined at the server based on the number found in the SIM card. Taking into account that Ouimet discloses that vehicle identification data may be stored or a smart card or a magnetic stripe card so that the user does not have to provide that information each time they park their vehicle, and in view of Ilen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the server of Ouimet with the ability to recognize a number stored in the SIM card of the telephone for purposes of vehicle identification, so

that the user does not have to manually enter the vehicle identification information each time they are parking their vehicle.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ouimet (WO 97/37328) in view of Zeitman (WO 98/04080) and further in view of Ilen (WO 96/11453).

Ouimet discloses a method of managing the parking of vehicles. Ouimet discloses that the user of a parking space enters information concerning the parking of their vehicle (i.e. vehicle location information and parking time information) into a ticket machine 12. That information is sent to a central computer system (server) 16 and to mobile units 18 (control elements) that are carried by monitoring agents (parking wardens). The fee for parking is determined based on the location and time information. A debit card or credit card can be used to pay the parking fee. Authorization control elements are given to the users in the form of a receipt (a parking ticket that shows you paid for parking).

Not disclosed is that the user can send parking information to the server by mobile telephone and that the server would then send the parking information to the ticket machine.

Also not disclosed is that the authorization control elements (the receipt) have information concerning the parking time.

Also not disclosed is that the server obtains vehicle identification information from a subscriber number associated with the subscription to the telephone network.

With respect to the use of a mobile telephone and the conveyance of the user's parking data from the server to the ticket machine, Zeitman discloses a parking management system that has a high level of user convenience. Zeitman discloses that the user can directly communicate with a central computer system (server system) by using their mobile telephone (associated with the user and inherently involves a subscription as claimed) and can provide the information such as vehicle space and time information by using their telephone. This allows for more user convenience with respect to adding another way for the user to conduct the parking space use transaction as opposed to having to use the ticket machine. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the server of Ouimet with the ability to take user information by telephone as is disclosed by Zeitman. The user would then have the ability to communicate with the server 16 directly by telephone and then the server would update the payment terminals and mobile units with new information.

Concerning the limitation of the ticket machine supplying authorization control elements (in the form of a parking ticket) with information concerning the parking time, the examiner notes that Ouimet discloses that the parking machine has a printer 34 that prints receipts that are given to motorists (see page 10, lines 17-32). This satisfies the claimed limitation of the parking machine supplying authorization control elements, where the authorization control elements are a parking ticket (a receipt). Not disclosed

is that the receipt contains "information concerning the parking time". The examiner notes that the language "information concerning the parking time" is not a recitation to actually putting the parking time on the parking ticket, but is broad language that and allows for other types of information to be present, such as how much you paid for parking. The amount you pay for parking is considered information concerning the parking time because that monetary amount the user has paid relates to some fixed amount of parking time. In view of the fact that a receipt is disclosed as being given to the user, and knowing that receipts normally contain information concerning a transaction (cost, date, identification of item/service purchased, etc.), it would have been obvious to one of ordinary skill in the art at the invention was made to provide the receipts with information concerning the parking time (cost paid or the actual time paid for), so that the user has an accurate receipt. One of ordinary skill in the art would have found it obvious to put information concerning the parking time on the receipt.

With respect to the use of a subscriber number to obtain vehicle identification information, the examiner notes that Ouimet discloses and recognizes that entering vehicle data each time a motorist parks is not desirable. Ouimet discloses on page 6 that vehicle identification data may be stored or a smart card or a magnetic stripe card, so that the user does not have to provide that information each time they park their vehicle. Ilen discloses a system and method where a user can pay for parking by using their mobile telephone. Ilen discloses that the user can supply in advance, their vehicle registration number (vehicle ID), and system will recognize the vehicle based on a code, which is encoded into the SIM card (the subscriber identification module) of their phone.

This teaches that the vehicle information is determined at the server based on the number found in the SIM card. Taking into account that Ouimet discloses that vehicle identification data may be stored or a smart card or a magnetic stripe card so that the user does not have to provide that information each time they park their vehicle, and in view of Ilen, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the server of Ouimet with the ability to recognize a number stored in the SIM card of the telephone for purposes of vehicle identification, so that the user does not have to manually enter the vehicle identification information each time they are parking their vehicle.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1,2,4-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulcher et al. (6505774) in view of Ilen (WO 96/11453).

For claims 1,2,4,7-10,11,14,15,17,18,20,21, Fulcher discloses an automated parking fee collection and ticket dispensing system. Fulcher discloses a parking machine 2 that is in communication with a server (offsite computer 512). It is disclosed that information in the form of data and program files is communicated between the server and the ticket machine. See column 19, lines 16-19, lines 51-54; column 23, lines 1-12, lines 23-30. See column 19, lines 20-29 for the disclosure of having the

customer input information concerning the parking location (spot number), and the parking time that the space will be used. The parking machine is disclosed as calculating the parking fee and providing tickets to the customers, which are then supposed to be placed inside their vehicle so that it can be visually inspected (see column 17, line 65 to column 18, line 1; 18, lines 34-37; column 19, lines 28-33). The tickets of Fulcher are the claimed authorization control elements.

Not disclosed is the use of a mobile phone as claimed. Also not disclosed is that the authorization control elements (the receipt) have information concerning the parking time.

Ilen discloses a method and system where a user can pay for parking fees by using their mobile phone. The mobile phone is used to send data to a central computer so that the parking fee can be paid for. The user is disclosed as using the phone to submit information such as parking location and parking time (see page 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Fulcher with the ability to take parking data and payment data by phone as disclosed by Ilen, so that the user has a convenient and easy way to pay for parking. This would then result in data being sent by phone to the server 512, and then to the parking machine 2.

With respect to the authorization control elements (parking ticket) having information concerning the parking time. The examiner notes that the language "information concerning the parking time" is not a recitation to actually putting the parking time on the parking ticket, but is broad language that and allows for other types

of information to be present, such as how much you paid for parking. The amount you pay for parking is considered information concerning the parking time because that monetary amount the user has paid relates to some fixed amount of parking time. In view of the fact that a receipt is disclosed as being given to the user, and knowing that receipts normally contain information concerning a transaction (cost, date, identification of item/service purchased, etc.), it would have been obvious to one of ordinary skill in the art at the invention was made to provide the receipts with information concerning the parking time (cost paid or the actual time paid for), so that the user has an accurate receipt. One of ordinary skill in the art would have found it obvious to put information concerning the parking time on the receipt.

For claim 4, in addition to that mentioned above, it is not disclosed that the parking ticket also has identification information of the parked vehicle. Going through the same analysis as immediately above as was done with respect to the "information concerning the parking time", it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the parking tickets with identification information of the parked vehicle. This is because the identification information about the vehicle that is being parked is something that one of ordinary skill in the art would have been motivated to place on the parking ticket so that the ticket detailed the transaction as far as what you paid, how long you paid for, where you were parked, vehicle identification, etc..

For claims 5,6,20,21, Ilen discloses that the identification of the vehicle can be done by using a code encoded into the SIM card. The examiner feels that this feature

flows from the 103 rejection of claim 1, because when Fulcher is modified in view of Ilen, this aspect also is part of that modification. Ilen discloses that the user can supply in advance, their vehicle registration number (vehicle ID), and system will recognize the vehicle based on a code, which is encoded into the SIM card (the subscriber identification module) of their phone. This teaches that the vehicle information is determined at the server based on the number found in the SIM card. This satisfies what is claimed.

For claim 12, a number is a number, what that number represents is noted but is not seen as defining anything other than a number. By entering a spot number, this satisfies what is claimed.

For claim 13, the "electronic certificate" is considered to be any data sent from the server to the phone during the parking use transaction. This could be a receipt in electronic form or any other data sent to the phone. The term "electronic certificate" is very broad language and can be almost anything.

With respect to claim 16, the account of the user (debit card account) is fully capable of being recharged by a prepaid scratchable card. A user can purchase a lottery ticket (with scratchable areas to show what you won if anything) and if they win any amount of money, that money could be deposited into the debit card account. The prior art is fully capable of what is claimed.

For claim 19, not disclosed is that a payment by telephone option is selected on the ticket machine that places the machine in a standby receiving mode. The 103 combination results in the system of Fulcher taking parking data by mobile phone. The

examiner notes that Fulcher discloses that the ticket machine presents various options to the user for the modes of payment that are available. See column 16, lines 12-17. Fulcher disclose that payment can be by cash, credit card, debit card, smart card, prepaid payment cards, even bar coded vouchers and discloses that all of these options are presented to the user to choose from. Based on the fact that the 103 combination results in Fulcher having the ability to take data by phone, and in view of the fact that Fulcher discloses that the payment options are presented to the user to choose from, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a pay by phone option so that the user knows that they can pay by phone as well as use a credit card, debit card, etc.. This is just informing the user of a payment option that they have and would have been obvious to one of ordinary skill in the art. The machine will then inherently be in a mode where it is waiting to receive data from the server because it knows that the user is going to pay by phone.

7. Applicant's arguments with respect to the Ouimet in view of Zeitman rejection, filed 6/14/06 have been fully considered but they are not persuasive.

With respect to the argument concerning the limitation that the authorization control elements include "information concerning the parking time", this has been addressed in the rejection of record. Newly added claim 18 and the recitation of placing the parking ticket inside the vehicle has also been addressed in the rejection of record. The arguments are non-persuasive because the examiner feels that the limitations at

issue are obvious to one of ordinary skill in the art, as has been set forth in this office action.

The argument for claims 2 and 9 is non-persuasive. If the parking ticket includes the parking time, as the rejection has set forth, this is a period of time and is something that is chosen by the user, which satisfies what is claimed.

For claim 10, this claim recites that the time comprises a starting time and an ending time. This is inherent to the parking of a vehicle and when paying for time. There is a start time and an end time as claimed. When one purchases a given amount of time for parking, upon the arrival at the parking spot and upon the user leaving the spot to do whatever it is that they need to park for, the server will send the time as claimed.

The argument for newly added claims 20,21 is noted, but the claims are not considered allowable for the reasons set forth in the rejection of record.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. GB 2270497, Didiergeorge (4900174), and Mason (2204023) are references that discuss the well known concept of placing a parking ticket on the inside of a vehicle so that it can be visually inspected.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DENNIS RUHL
PRIMARY EXAMINER